

FILED

UNITED STATES DISTRICT COURT
WESTERN DISTRICT of TEXAS
SAN ANTONIO DIVISION

SEP 27 2007
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
DEPUTY CLERK

RHETT SMITH,

Plaintiff

v.

JOHN HAGEE,

Defendant

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Civil Action
No. SA-6-CA-902-RF

Appeal No. 7-50793

ORDER

Plaintiff Rhett Smith filed a document (Docket Entry # 35) stating "Per U.S. Court of Appeals . . . Plaintiff refiles above case." Construing this document as a motion to reconsider this Court's Order dismissing his 42 U.S.C. § 1983 Civil Rights Complaint, the motion is **DENIED**. Plaintiff failed to identify an error of law or fact or other grounds warranting relief from judgment pursuant to Fed. R. Civ. P. 60(b). Construing this document as a motion to reconsider the Court of Appeals dismissal of his appeal, the relief sought is beyond this Court's authority and the motion is **DENIED**.

DATED: September 27th, 2007



ROYAL FURGESON
United States District Judge